

FACT SHEET - #10

SUBJECT: Legal Domicile of Soldiers and their Family Members

1. **PURPOSE.** To inform commanders of factors determining legal domicile of soldiers and their family members.

2. **FACTS.**

a. Domicile is the person's true, permanent home or that place to which he/she intends to return when away.

b. A person's legal domicile or residence does not change simply because he/she moves. Soldiers and their family members will remain domiciliaries or residents of their home state until they take specific action to change their domicile or state of residence.

c. The person's intent is relevant to the determination of domicile. Factors considered include: Payment of taxes (state income, personal property), real estate ownership, past physical presence, voter registration, vehicle registration, home of record, business interests, and declarations of residence in documents such as wills and mortgages. There is no limit to the factors that can be considered and no one factor is determinative.

d. A soldier's home of record does not have to remain his state of domicile or residence. Residence or domicile can be changed at any time, so long as the soldier can establish the intent to change. Intent can be shown by the factors listed above.

e. Family members' state of domicile does not automatically change if a soldier changes his/her domicile. The family members must intend to change domiciles and should consider the factors that support their intent.

f. The state of residence or domicile affects a person's liability for state income taxes, entitlement to various social program benefits, and the right to vote in state, local and federal elections.

3. POC is the Administrative Law Division, 4-7414/4668.

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